

Deficiency Progress Report – Update 3

Report Submitted: November 19, 2009

CUPA: City of Vernon Health and Environmental Control

Evaluation Date: February 25 - 26, 2009

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Corrected Deficiencies: 1, 2

1. **Deficiency:** The CUPA is not requiring UST facility owners/operators to complete the new Unified Program Consolidated Forms (UPCF's) A, B, and D when permits are renewed. The new forms became effective January 2008 as part of the California Code of Regulations Title 27 and Title 23 revisions.

Preliminary Corrective Actions: By February 26, 2010, the CUPA will ensure that all UST facilities have submitted the new UST forms A, B, and D.

Prior to conducting an annual UST inspection, the CUPA will review all paperwork submitted for the Permit to Operate and ensure that the tank and piping systems, and the monitoring methods used, are sufficiently described and are appropriate for the system. If the forms are incorrect, the CUPA will either correct the forms, or have the facility owner submit new forms with the correct information.

CUPA's 1st Update (5-28-09): In June, 2009 the City of Vernon (COV) CUPA will be mailing annual invoices and permit renewals to all CUPA facilities. At this time, all Vernon UST facility owners/operators will be requested to complete and submit the new UST forms A, B and D. This will assure that all Vernon UST facilities will have submitted these new forms by February 26, 2010. In addition, all COV CUPA staff have been instructed to comply with the preliminary corrective action noted on the February 25-26, 2009 evaluation which states, "Prior to conducting an annual UST inspection, the CUPA will review all paperwork submitted for the Permit to Operate and ensure that the tank and piping systems, and the monitoring methods used, are sufficiently described and are appropriate for the system. If the forms are incorrect, the CUPA will either correct the forms, or have the facility owner submit new forms with the correct information."

Cal/EPA's 1st Response: Please refer to the SWRCB's response.

- **SWRCB's response:** The CUPA is making good progress towards correcting this deficiency. If the CUPA receives any of the new forms by the next progress report due date, please indicate the number of facilities that submitted the new forms.

CUPA's 2nd Update (8-18-09): The City of Vernon (COV) CUPA is still in the process of ensuring all UST facilities have submitted the new UST forms A, B and D. To help accomplish this, COV CUPA inspectors are reviewing each facility's UST Permit to Operate prior to performing a routine inspection and are assisting UST operators in completing UST forms A, B, and D.

Cal/EPA's 2nd Response: Please refer to the SWRCB's response.

- **SWRCB's response:** The CUPA is making good progress towards correcting this deficiency. On the next progress report, please report to Cal/EPA and SWRCB the number of facilities that have submitted the new UST forms A, B, and D.

CUPA's 3rd Update (11-19-09): As of November 19, 2009, all UST facilities in the City of Vernon (a total of 32) have submitted the new UST forms A, B, and D.

Cal/EPA's 3rd Response: Cal/EPA and SWRCB consider this deficiency corrected.

2. Deficiency: The CUPA failed to exercise a graduated series of enforcement for the following Class I violations:

- The failure to cite United Colors of America on 06/09/2008 for the release of hydrogen peroxide to the environment, which precipitated a fire in a trash dumpster.
- The failure to cite U.S. Filter Recovery Services on 04/18/2006 for the illegal discharge of an oily/water mixture to the storm drain.

Preliminary Corrective Actions: In the future, the CUPA will exercise a graduated series of enforcement on facilities cited for chronic and/or severe (Class 1) violations.

The CUPA will refresh staff knowledge of the definitions of Class I, Class II and minor violations. A good tool for refresher training may include covering the Cal/EPA "Violation Classification Guidance Document for Unified Program Agencies," which is available on the Cal/EPA website under Unified Program-Publications and Forms.

By December 01, 2009, the CUPA will provide violation determination training to its inspectors.

CUPA's 1st Update (5-28-09): The City of Vernon is in the process of finalizing a citation process which would facilitate inspectors exercising a graduated series of enforcement on applicable cases. Also, all COV CUPA staff have been provided with Cal/EPA's "Violation Classification Guidance Document for Unified Program Agencies". Violation determination training is currently being developed to present to all COV CUPA staff prior to December 1, 2009.

Cal/EPA's 1st Response: Cal/EPA and DTSC appreciate the progress towards correcting this deficiency. As indicated by the CUPA, formal violation determination training is needed to ensure that CUPA staff properly classify violations and implement subsequent enforcement actions that are based on the severity of the violations. Continue to update Cal/EPA on the progress toward correcting this deficiency.

CUPA's 2nd Update (8-18-09): Although the City of Vernon is still in the process of finalizing a citation process which would facilitate inspectors exercising a graduated series of enforcement on applicable cases, COV CUPA inspectors have been instructed to exercise a graduated series of enforcement on facilities cited for chronic and/or severe (Class I) violations. Also, the COV CUPA has refreshed staff knowledge of the definitions of Class I, Class II and minor violations. Additionally, the City of Vernon CUPA provided violation determination training to its inspectors on June 24, 2009.

Cal/EPA's 2nd Response: Cal/EPA and DTSC consider this deficiency corrected.